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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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10/02/99

EXAMINER

HOFELV

ART UNIT

PAPER NUMBER

1714

6

DATE MAILED:

08/29/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No  
**09/203,894**

Applicant(s)  
**Migdal et al**

Examiner  
**VERONICA P. HOKE**

Group Art Unit  
**1714**



☒ Responsive to communication(s) filed on May 12, 2000

☒ This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1035 C.D. 11, 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

☒ Claim(s) 1-28 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-28 is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All ☐ Some\* ☐ None ☐ of the CERTIFIED copies of the priority documents have been received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 5

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 1714

***Claim Rejections - 35 U.S.C. § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones et al taken with Meier et al, Evans and Rasberger et al for the reasons of record.

The traversal attempts to negate the examiner's reliance on Rasberger for the position that the interchangeableness of 1,2 dihydroquinolines for the tetrahydroquinolines, and by extension their synergism by aryl amine compounds, by asserting that Rasberger rather teaches the former classes' of compounds superior<sup>ty</sup> to 1,2 - dihydroquinolines. The fallacy in this argument is the contention that interchangeableness is the same as equivalent. This rationale is erroneous. Clearly members of either hydroquinoline class being recognized antioxidants are interchangeable. See Rasberger et al at col.1, lines 22-39. Accordingly the transfer of the knowledge to the present day routineer cognizant of Jones' earlier disclosure of aryl amine or phenolic synergistic effect on tetra ( or deca) hydroquinolines coupled with Rasberger's subsequent observation ( col.1) that **dihydroquinolines are similarly synergized by phenols**, albeit not as well as the corresponding tetrahydroquinolines are, would lead one of ordinary skill to expect parallel performance enhancement by substituting in lieu of phenols, the proven aryl amine synergists for tetra hydroquinolines, for dihydroquinolines as well.

Art Unit 1714

It is noteworthy that many decades later after Jones' disclosure, Meier et al. in reporting suitable antioxidants to supplement hydroquinolines in improving lube oils oxidative stability, yet drew their selection from the same classes of preservatives, namely the phenols and aromatic amines which Jones had initially taught. Given aromatic amines as the sole alternate antioxidant class to phenols and as stated supra, Rasberger's acknowledgment of the dihydroquinolines synergism with phenols, not much ingenuity is seen in utilizing aryl amines as the enhancer instead.

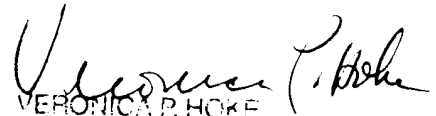
As to the alleged point of distinction that secondary aryl amines are only optional auxiliary preservatives with Rasberger's tetrahydroquinoline/phenol stabilizer system, this argument ignores the fact that the claims do not preclude such ternary stabilizers' encompassing in its "comprising" terminology. Indeed not only do dependent claims 11 and 27 support this rationale in their broad antioxidant additives' inclusion but independent claims 14 and 28 specifically require an additional antioxidant's presence.

### *Conclusion*

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 1714

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

  
VERONICA P. HOKE  
PRIMARY EXAMINER

vph

June 28, 2000

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